

ARTICLE XVI
Nonconforming Uses

§ 310-101. Applicability.

The provisions of this article shall apply to buildings, structures, signs, lots and uses which became nonconforming as the result of the application of this chapter to them or from classification or reclassification of the property under this chapter or any subsequent amendments thereto.

§ 310-102. Nonconforming lots of record.

- A. Regardless of the size of a lot legally recorded prior to the passage of this chapter, such lot may be developed for any use permitted in the district in which the lot is located provided that it meets the requirements of § 310-58.
- B. If two or more contiguous lots of record in one ownership occur prior to passage of this chapter and if one or all of these lots are less than the requirements of lot width and area as established in this chapter, the total contiguous area of all the lots shall be considered as undivided and, unless consolidated into an adjoining lot to become part of a conforming parcel, no portion of any such nonconforming lots shall be used to calculate setback or bulk and areas requirements for any adjacent commonly owned lot. Nor shall any portion of any such nonconforming lots be used for an accessory structure serving an adjacent lot. Nor shall any primary structure be built on such nonconforming lot unless such nonconforming lot(s) equals or exceeds 90% conformance with the then current bulk and area requirements of this chapter. Nor shall any division of any such parcels be made which leaves remaining any lot with bulk or area, or otherwise having dimensions that do not meet the current requirements of this chapter. ~~Nor shall any such nonconforming lot be transferred except pursuant to a Deed which clearly discloses that the Lot as currently configured is non-conforming and may be non-buildable and subject to other use limitations under this Chapter.~~ The Zoning Hearing Board may grant a variance for development of such undersized lots where a hardship clearly exists.

§ 310-119. Occupancy permits.

A. For new use or expansion of existing uses:

- (1) Upon completion of any building containing more than two dwelling units or any nonresidential building or structure for which a building permit has been issued, the contractor or builder for such building or structure shall apply to the Zoning Officer for an occupancy permit.
- (2) The Zoning Officer shall inspect the premises, and if satisfied that all conditions of the building permit and other requirements have been met, shall issue an occupancy permit certifying that the premises comply with the provisions of this chapter and may be used for the purposes set forth on the building permit.
- (3) If the Zoning Officer, upon inspection, finds the premises to have been developed in violation of any of the conditions of the building permit, he shall order the violations corrected to conform to the building permit and shall not issue an occupancy permit until satisfied the corrections have been made.
- (4) It shall be a violation of this chapter for a structure to be occupied without an occupancy permit first having been issued. The penalties of Article XX shall apply to any developer, builder or home owner who allows such violations.

B. For changing existing uses in nonresidential districts:

- (1) If a property owner wishes to change the principal permitted use of any building or structure of the property he owns, to any other similar principal permitted use or to a mixed use of the property or if a property owner wishes to change a mixed use of the building or property he owns to a single principal permitted use, he shall apply to the Zoning Officer for an occupancy permit. Changes for which a revised occupancy permit shall be required include addition of a dwelling unit or units in the structure, introduction of a home occupation, conversion from nonconforming to a conforming or less nonconforming use or conversion to another permitted use. If the new proposed use has parking requirements different than the previous use, the procedures set forth in § 310-63, Subsection C, Change of principal permitted use, shall apply.
- (2) If such change is in conformance with all requirements of this chapter and of other development ordinances of the Township of Hampton, the Zoning Officer shall issue an occupancy permit.
- (3) Applications for occupancy permits for a change of use that are denied by the Zoning Officer may be appealed to the Zoning Hearing Board.

C. Zoning permits.

- (1) For new tenants/occupants.

~~(2) If a property owner wishes to sell, any building, structure, or property he/she owns, he/she shall apply to the Zoning Officer for a zoning permit.~~

~~(3)~~(2) If the existing or proposed use of the property, building, or structure meets all requirements of this chapter, and of all other development ordinances of the Township, then the Zoning Officer shall issue a zoning permit.